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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,585	10/27/2003	Jeffery R. Harris	194-29412-USCP	3745

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EXAMINER

TESKIN, FRED M

ART UNIT PAPER NUMBER

1713

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/694,585	Applicant(s) HARRIS ET AL.	
	Examiner Fred M. Teskin	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-40 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-16, 18 and 32-40 is/are allowed.
- 6) ☒ Claim(s) 4, 5 and 19-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>112805</u> . | 6) <input type="checkbox"/> Other: ____. |

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With entry of the preliminary amendment of October 27, 2003, claims 1-16 and 18-40 are currently pending and under examination in this C-I-P of prior pending application no. 10/321,762.

The disclosure is objected to because of the following informalities:

The related application data and the reference (page 23, lines 16-17) to a copending US application should be updated to include the present status of the parent and referenced applications.

Appropriate correction of the specification is required.

Claims 4, 5 and 19-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the following grounds for indefiniteness apply to the indicated claims.

(A) Claim 4 is indefinite due to "the containers" being ambiguous as to antecedent basis. Note that precedent is provided only for "a temporary container" (*cf.* claim 1, lines 7-8); hence it is unclear what limitation(s) the plural form of "container" is intended to refer back to. Clarification and appropriate correction are required.

(B) Claim 19 is indefinite as confusing in the recitation "grinding the polymer and the temporary container ...". Given that the preceding step to claim 19 involves *removing* the temporary container with a polar solvent (presumably through dissolution), it is not seen how the container can be subsequently available for grinding with the

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polymer. In this regard, compare claim 1, penultimate line. Clarification and appropriate correction are required.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Wartman is pertinent to drag reduction formulations provided as slurries comprising: particulate ethylene oxide polymer; an inert, non-solvent vehicle such as propylene glycol (note Examples III, IV and VI); and a thickening agent. A slurry comprising a polar solvent-soluble thermosealing material dissolved in a polar solvent process fluid is not taught nor suggested.

Claims 1-3, 6-16, 18 and 32-40 are allowable. Balance of the claims would be allowable if amended or rewritten to overcome the rejection under 35 U.S.C. 112 set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Applicants' claim a method for producing a polymer drag reducing agent including the steps of: mixing a monomer and catalyst in a CSTR to form a mixture; continuously injecting the mixture into a volume continuously formed by a *polar solvent-soluble thermosealing material*; periodically sealing off the thermosealing material into a temporary container; permitting the monomer to polymerize in the temporary container

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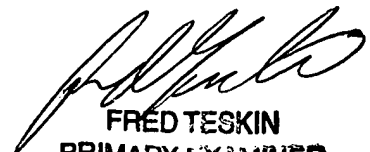
to form polymer; *removing the temporary container with a polar solvent*; and grinding the polymer to produce particulate polymer drag reducing agent. Applicants' also claim a slurry of particulate drag reducing agent that comprises a particulate polymer drag reducing agent; a process fluid that comprises: a polar solvent; and a *polar solvent-soluble thermosealing material dissolved in the polar solvent*.

Examiner has not, as of the date of this Office action, located or identified any prior art documents that can be used to render the process or slurry of the claimed invention anticipated or obvious to a person of ordinary skill in the art.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRED TESKIN
PRIMARY EXAMINER
1713

FMTeskin/02-03-06